

REMARKS

The Office Action of August 25, 2005 has been received and considered. Claims 1-14, 17, 19-20, 23-24, 27-37, 40-45 have been canceled. Claims 18, 21, 22, 25 and 26 have been amended and claims 46-51 added. Claims 38 and 39 have been allowed. Claims 15, 16, 18, 21-22, 25-26, 38-39 and 46-51 are pending in the application. Reconsideration of the rejected claims is requested.

Claims 15 and 16 has been rejected under 35 USC 102(b) as being anticipated by US Patent No. 4,367,602 to Petersen. Petersen discloses an excavating tooth 11 that is secured to a holder 12 by a key 56. The holder defines a recess 31 that receives a shank 19 of the tooth and an opening 32 for receiving the key. The shank includes a reduced width portion 21 which receives the legs 59 of the key to prevent removal of the tooth from the holder.

Claim 15 pertains to a lock that includes a block-shaped body and a retainer fit within the body. The retainer includes a pair of legs which extend beyond the lock body and which are coupled together by a hinge. Petersen does not disclose a lock having a body and a retainer. Rather, the lock is simply the key 56. The holder 12 is not a lock body as asserted in the Office Action, but is instead one of the components being locked together by key 56. Additionally, key 56 does not include legs with "ends extending beyond said sides of said lock body." Even if holder 12 is a lock body, the key is retained entirely within the holder. Hence, Petersen does not anticipate claim 15.

Claim 16 recites a lock which includes a body 16, a retainer 18, and a take-up member 57 for tightening the fit of the wear member (see the paragraph bridging pages 16 and 17 in

the application). As noted above, the Petersen lock is simply a one-piece key 56. The holder 12 is not part of the lock and does not form a lock body. In addition, there is no support for characterizing top portion 57 of key 56 as a take-up member. Top portion 57 enables the key to be removed from the assembly (see the paragraph bridging columns 3 and 4). The top portion 57 of the key does not tighten the fit of the tooth in the holder. Hence, claim 16 is also not anticipated by Petersen.

Claim 18 has been rejected under 35 USC 102(b) on the basis of US Patent No. 6,032,390 to Bierwith. In Bierwith the lock includes a spool 23 and a wedge 26. The wedge includes a box member 44. The examiner asserts that the box member 44 is the lock body and that projections 46 form retainers. Applicants do not believe this is a proper reading of Bierwith.

Claims 18 and 46 pertain to a lock assembly including a wear member, a base member and a lock. The lock includes a body having a channel with a first opening and a second opening. The retainer extends from the first opening to hold the lock in the assembly. In addition, the retainer is accessible by the user through the second opening to move the retainer in the channel toward the second opening. Clearly, the projections 46 cannot be accessed by the user to move the retainer toward the second opening to withdraw the retainer from the interfering position. The projections are spring-biased within box member 44 which is bolted to the wedge.


Claim 51 also pertains to a lock assembly comprising a wear member, a base member and a lock releasably securing the wear member to the base member. The lock includes a body with a channel having two open ends, a retainer movable received within the channel between

retaining and release positions, and a take-up member adjustably secured to the body to tighten the fit of the wear member. Neither Petersen nor Bierwith discloses a lock with a take-up member. As noted above, neither the top portion 57 of key 56 in Petersen nor the projections 46 in Bierwith are take-up members that tighten the fit of the wear member on the lip.

For all of the above-discussed reasons, Applicants submit that claims 15, 16, 18, 21-22, 25-26, 38-39 and 46-51 should be allowed. A notice to this effect is requested.

Respectfully submitted,

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By: 

Steven P. Schad
Registration No. 32,550

ESCO Corporation
2141 NW 25th Avenue
PO Box 10123
Portland, OR 97210
(503) 778-6225